IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3406 OF 2007

Maqsood Fakir Mohd. ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr.Prakash Naik i/b. Mr.Prakash Vare, advocate, for applicant
Mr.S.S.Pednekar, Assistant Public Prosecutor for the State

CORAM : V.C.DAGA, J.

DATE : 31ST OCTOBER, 2007

P.C.

1. Heard learned counsel for the applicant and the learned APP. The applicant is seeking bail in C.R.No.26/2007 registered with DCB CID Anti Extortion Cell for the offence punishable under Sections 386, 467, 468, 471, 420 read with Section 34 of the Indian Penal Code. The case of the prosecution has already been described in the order of the learned Sessions Judge dated 25th June, 2007. The facts of which for the purpose of the present

application have not been disputed by either of the parties. It is, thus, clear that a complaint filed by Vinod Awlani with DCB CID Anti Extortion Cell makes out a case punishable under Section 386, 467, 468, 471, 420 read with Section 34 of the Indian Penal Code. Learned counsel appearing for the applicant tried to canvas that the complaint would not fall within Section 386 of the Indian Penal Code. The complaint, if perused according to him would not make out a case of extortion. Having seen material available on record and taking over all view of the matter in my considered view, the applicant would be entitled for bail.

2. In these circumstances of the case, I am inclined to grant bail to both the applicants, subject to following conditions :

(a) The applicant, arrested in connection with C.R.No.26/2007 registered witn DCB CID Anti

Extortion Cell shall be enlarged on bail in the sum of Rs.50,000/- with one or two local sureties to make up the said amount.

(b) The applicant shall report to the concerned police station twice in a week i.e.on every Monday and Thursday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The order of bail will be given effect only after the applicant furnish to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior

intimation to the investigating officer.

(d) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at

the time of trial.

(g) The applicant should not leave Bombay and surrender his Passport to the Investigating Officer, if any.

3. Application stands disposed of accordingly.

(**V.C.DAGA, J.**)